The indictment alleged also that from May 1, 1957 to the filing of the indictment the defendants did conspire, combine, confederate, and agree together and with other persons to violate 301(a) and 301(d) of the Act, and that it was a part of such conspiracy that the defendants, with intent to defraud and mislead, would unlawfully cause the above-mentioned tablets to be introduced into interstate commerce without effective new drug applications and in an adulterated and misbranded condition.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof the following overt acts were committed: that Ludwig Spandau, about July 1957, caused a number of *imitation Miltown tablets* and *imitation Equanil tablets* to be fabricated and to be packaged in unlabeled bottles and the bottles to be packed in cartons; that, on 7-30-57, Ludwig Spandau and Seymour Blau caused the tablets to be transported to the 34th St. Greyhound Bus Terminal, New York, N.Y.; that during the transportation of the tablets to the bus terminal, Seymour Blau affixed address stickers to the cartons; and that Seymour Blau delivered the tablets to the baggage room at the 34th St. Greyhound Bus Terminal.

CHARGE: 501(c)—when shipped, the quality of the tablets fell below that which they purported and were represented to possess since they contained less than 400 milligrams of meprobamate per tablet; 502(b)—the labels of the tablets failed to bear (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 502(e)(1)—the labels of the tablets failed to bear the common or usual name of the drug; 502(f)(1)—the labeling of the tablets failed to bear adequate directions for use; 502(i)(2)—the tablets were imitations of other drugs, namely, Miltown and Equanil; 502(i)(3)—the articles were offered for sale under the name of other drugs, namely, Miltown and Equanil; and 503(b)(4)—the tablets were subject to 503(b)(1) and their labels failed to bear, prior to dispensing, the statement "Caution: Federal law prohibits dispensing without prescription"; and 505(a)—the articles were new drugs within the meaning of the law, and no applications were filed pursuant to 505.

PLEA: Guilty by Seymour Blau to all counts except those alleging the adulteration of the tablets and not guilty by the corporation and Ludwig Spandau to all counts.

DISPOSITION: On 8-3-59, the case against the corporation and Ludwig Spandau came on for trial before the court without a jury. The trial was concluded on 8-5-59, and at that time the court found Ludwig Spandau guilty and the corporation not guilty. On 9-9-59, Ludwig Spandau was given a suspended sentence of 6 months imprisonment and placed on probation for 1 year, and Seymour Blau was fined $200 and placed on probation for 1 day.

6042. Meprobamate tablets. (F.D.C. No. 42475. S. Nos. 35-394 P, 35-397 P.)

INFORMATION FILED: 10-9-59, E. Dist. Pa., against Jan Laboratories, Philadelphia, Pa., a partnership, Jerry Levin, a partner in the partnership, and Edward Lavin, a salesman for the partnership.

ALLEGED VIOLATION: The information alleged that, on 4-29-58, while a number of *meprobamate tablets* were being held for sale after shipment in interstate commerce, Jan Laboratories and Jerry Levin caused a number of the tablets to be repacked into a bottle and did sell and dispose of the bottle at Philadelphia, Pa., which acts of causing the repacking, sale, and disposal resulted in the drug being misbranded within the meaning of 502(a).

The information alleged also that all of the defendants, on 4–30–58, caused to be shipped from Philadelphia, Pa., to Pleasantville, N.J., a number of tablets which were in violation of 505(a), and which were misbranded under 502(a).

CHARGE: 502(a)—The label statement "For Investigational and Export Use Only" was false and misleading in that the article was not for investigational and export use only; and 505(a)—the article was a new drug which may not be introduced into interstate commerce, since an application filed pursuant to 505(b) was not effective with respect to such drug.

PLEA: Nolo contendere.

DISPOSITION: 3–22–60. Partnership—probation for 5 years; Levin—$2,250 fine, 6 months jail sentence which was suspended, and probation for 5 years; Lavin—$1,250 fine, 4 months jail sentence which was suspended, and probation for 5 years.

DRUGS REQUIRING CERTIFICATE OR RELEASE, FOR WHICH NONE HAD BEEN ISSUED

DRUGS FOR HUMAN USE

6043. Various drugs. (F.D.C. No. 41978. S. Nos. 31–201/2 P, 31–204/6 P.)

QUANTITY: 8,665 capsules of *Vi-Aquamin Therapeutic* in unlabeled ctns., 172 2-oz. btls. of *Pen-Vee suspension benzathine penicillin V*, 300 capsules of *chloramphenicol* in unlabeled btls., 143 boxes of *Chlorhidrate De Neohetramine*, and 2 unlabeled 500-tablet btls. of *Terramycin*, at Brooklyn, N.Y.

SHIPPED: On various dates during 1957 and 1958, from points outside the State of New York.

LABEL IN PART: (Btl.) "Pen Vee Suspension Benzathine Penicillin V Oral * * * Each 5 cc contains 180 mg. (300,000 units)" and (box) "Chlorhidrate De Neohetramine * * * 25 Mg."

RESULTS OF INVESTIGATION: The Pen-Vee penicillin V was analyzed and found to be penicillin having a potency of 273,600 units per 5 cc. The article had separated and had a lumpy consistency.

LIBELED: 8–14–59, E. Dist. N.Y.

CHARGE: *Vi-Aquamin Therapeutic capsules*, 502(b)—while held for sale, the label of the article failed to bear (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 502(e)—its label failed to bear (1) the common or usual name of the drug and (2) the common or usual name of each active ingredient; and 502(f)(1)—the labeling of the article failed to bear adequate directions for use.

Pen-Vee suspension benzathine penicillin V, 501(c)—while held for sale, the strength of the article differed from, and its quality fell below, that which it purported and was represented to possess since the article contained less than 300,000 units of penicillin per 5 cubic centimeters and since it had separated and had a lumpy consistency; and 502(1)—the article contained penicillin, and was not from a batch with respect to which a certificate or release issued pursuant to 507 was effective.

Chloramphenicol capsules, 502(b)—while held for sale, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 502(e)(1)—it failed to bear a label containing the common or